



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Sixteenth Meeting Day

Tuesday Afternoon

February 12, 2008

The Senate convened at 1:38 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Charbonneau	Nugent
Deig	Paul
Delph	Riegsecker
Dillon	Rogers
Drozda	Simpson
Errington	Sipes
Ford <input type="checkbox"/>	Skinner
Gard	Smith
Hershman	Steele
Howard <input type="checkbox"/>	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 184: present 47; excused 3. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

Report adopted.

STEELE, Chair

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1129, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1125, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 19, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 4. IC 6-8-12-1, AS ADDED BY P.L.234-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "eligible entity" means:

- (1) the National Football League and its affiliates; ~~as defined in the National Football League document titled "SUPER BOWL XLV HOST CITY BID SPECIFICATIONS & REQUIREMENTS" dated October 2006; and~~
- (2) the National Collegiate Athletic Association and its affiliates.

SECTION 5. IC 6-8-12-2, AS ADDED BY P.L.234-2007, SECTION 42, IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. As used in this chapter, "eligible event" means:

- (1) an event known as the Super Bowl that is conducted after December 31, 2011, by an eligible entity described in ~~section 4~~ section 1(1) of this chapter; or
- (2) an event known as the Men's Final Four or the Women's Final Four, including the ancillary events associated with the Men's Final Four or the Women's Final Four, that is conducted after December 31, 2011, by an eligible entity described in section 1(2) of this chapter."

Page 28, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 14. IC 9-29-3-3 IS amended TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The service charge for each excise tax collection made under IC 6-6-5, **IC 6-6-5.1**, or IC 6-6-5.5 is eighty-five cents (\$0.85)".
Renumber all SECTIONS consecutively.
(Reference is to HB 1125 as reprinted January 25, 2008.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1244, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1197, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "(a) Subject to subsection (d), if a data base owner".

Page 1, delete lines 4 through 17.

Page 2, delete lines 1 through 7.

Page 2, line 8 delete "(c)".

Page 2, delete lines 13 through 20.

Delete pages 3 through 5.

(Reference is to HB 1197 as reprinted January 25, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

STEELE, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 26

Senate Concurrent Resolution 26, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION to commend the Indiana Career and Technical Education System and recipients of the 2008 Indiana Career and Technical Education Awards for Excellence.

Whereas, The Indiana Commission for Career and Technical Education, in cooperation with the Indiana Career and Technical Education, sponsor the Indiana Career and Technical Education Awards for Excellence Program;

Whereas, The Program, which was introduced in 1984, recognizes excellence in four categories: students, programs, guidance/career services, and active partnerships that contribute to high quality career and technical education in Indiana;

Whereas, In a highly competitive selection process, the award recipients are chosen from statewide nominations by a committee of career-technical educators and private sector representatives.

Award recipients are recognized at a luncheon and ceremony during National Career and Technical Education Week during the second full week in February each year;

Whereas, The 2008 Awards for Excellence recipients are as follows:

Secondary Students

<u>Name</u>	<u>School</u>	<u>Program</u>
Kaitlyn Culy	New Castle Area Career Programs	ICE
Samantha Dunithan	Elkhart Area Career Ctr.	Child Care Services
Trisha Faulkner	Elkhart Area Career Ctr.	Health Occupations-Med. Assist.
Allison Metzger	McKenzie Career Ctr.	Project Lead the Way
Michelle Mogg	New Castle Area Career Programs	Health Occupations
Elles Niessen	New Castle Area Career Programs	Health Occupations
Aprill Schelle	New Castle Area Career Programs	Health Occupations
Nathan Thimons	Elkhart Area Career Ctr.	Public Safety II
Alyssa Walter	Porter County Career and Tech. Education Ctr.	Health Occupations

Postsecondary Students

<u>Name</u>	<u>School</u>	<u>Program</u>
Catherine Egler	Vincennes University	Graphic Design
Alysia Gilbert	Ivy Tech-Terre Haute	Radiologic Technology
Jeannette Joya	Ivy Tech-Lafayette	Office Administration
Michelle Lucas	Vincennes University	Biomedical Electronics Technician
Judy Morgan	Ivy Tech-Kokomo	Technical Cert. in Licensed Practical Nursing
Michelle Ringwald	Vincennes University	Fashion Merchandising
Kate Rudman	Ivy Tech-Lafayette	Surgical Technology
Kelsey Smith	Ivy Tech-Terre Haute	Radiologic Technology
Jonathan Wittmann	Vincennes University	Biomedical Technician

Secondary Programs

Precision Machine Technology	Prosser School of Technology
Auto Technology Program	Porter County Career and Tech. Ed. Ctr.
Building Trades	Walker Career Ctr.

Postsecondary Programs

Radiologic Technology	Ivy Tech-Terre Haute
Visual Communications	Ivy Tech-Kokomo

Guidance/Career Services

Parent and Family Services	Vincennes University
Student Life and Development	Ivy Tech-Kokomo

Active Partnerships

C4 Columbus Area Career Connection/Bartholomew Consolidated School Corporation/Vision 20/20/ Coalition/Center for Teaching and Learning	Community Education
---	---------------------

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana Senate commends the Indiana Career and Technical Education System and congratulates all recipients of the 2008 Indiana Career and Technical Education Awards for Excellence for their outstanding achievements.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Marnia Kennon, Chair of the Indiana Commission on Career and Technical Education (ICCTE), and to each recipient of the 2008 Indiana Career and Technical Education Awards for Excellence.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Noe.

Senate Concurrent Resolution 25

Senate Concurrent Resolution 25, introduced by Senator Miller:

A CONCURRENT RESOLUTION urging the United States Congress to enact legislation to require employer group health benefit plans that are regulated under the federal Employee Retirement Income Security Act of 1974 to provide coverage for prosthetic devices in an amount sufficient for timely provision, repair, and replacement of a prosthetic device so as not to unduly interfere with the daily activities of the individual requiring the prosthetic device.

Whereas, During the 2007 interim, the Health Finance Commission studied issues related to prosthetic devices, including technology, cost, repair, and replacement;

Whereas, The Health Finance Commission determined that many individuals who require prosthetic devices do not receive appropriate care with respect to their prosthetic devices because costs related to the care are prohibitive;

Whereas, Many health benefit plans provide limited coverage for prosthetic devices;

Whereas, The Indiana General Assembly considers health benefit plan coverage for prosthetic devices to be necessary for the well-being and active participation of individuals who require a prosthetic device; and

Whereas, A significant percentage of employer group health benefit plans in Indiana are self-insured and subject only to the federal Employee Retirement Income Security Act of 1974: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly urges the United States Congress to enact legislation requiring employer group health benefit plans to provide coverage for prosthetic devices in an amount sufficient for timely provision, repair, and replacement of a prosthetic device so as not to unduly interfere with the daily activities of the individual requiring the prosthetic

device.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the presiding officers and the majority and minority leaders of both houses of the United States Congress and the Indiana Congressional delegation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives C. Brown, T. Brown, and Murphy.

Senate Resolution 4

Senate Resolution 4, introduced by Senator Miller:

A SENATE RESOLUTION recognizing Arlington Elementary School in Franklin Township for its participation in the 2007 Snowplow Palooza.

Whereas, Each fall, the Indianapolis Department of Public Works invites local students to participate in its annual snowplow painting contest;

Whereas, The theme of this year's Snowplow Palooza was "Diversity Works";

Whereas, Early in the school year, two snowplow blades were delivered to Arlington Elementary School;

Whereas, The ten young artists worked after school on Tuesday and Thursday to meet the deadline to compete in the judging on Monument Circle in downtown Indianapolis;

Whereas, Competing against 78 other entries, each student worked diligently to produce two beautiful examples of snowplow art;

Whereas, The participants received a certificate for their participation presented to them by Mayor Bart Peterson at the ceremony held at Monument Circle on October 23; and

Whereas, When the snow finally comes, the plows will be going out in style thanks to these Arlington Elementary students: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Thomas Heckathorne, Julio Tello, Rae Gray, Allison Patterson, Mackenzie Harris, Devin Norcross, Jacob Proffer, Kyle Trimnell, Luke Finnell, and Danielle Maiden on their participation in the 2007 Snowplow Palooza.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to each Snowplow Palooza participant, art teacher Clara Crosby and her husband Paul, and principal David Henriott.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 38, 39, and 40 and the same are herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill 139 with amendments and the same is herewith returned to the Senate for concurrence.

CLINTON MCKAY
Principal Clerk of the House

**ENGROSSED HOUSE BILLS
ON SECOND READING**

Engrossed House Bill 1026

Senator Merritt called up Engrossed House Bill 1026 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1026-1)

Madam President: I move that Engrossed House Bill 1026 be amended to read as follows:

Page 3, line 34, delete "settler of" and insert "**individual for whom services are to be provided under**".

Page 5, line 17, delete "settler of" and insert "**individual for whom services are to be provided under**".

(Reference is to EHB 1026 as printed February 6, 2008.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1077

Senator Broden called up Engrossed House Bill 1077 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1096

Senator Bray called up Engrossed House Bill 1096 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1165

Senator Becker called up Engrossed House Bill 1165 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1165-1)

Madam President: I move that Engrossed House Bill 1165 be amended to read as follows:

Page 14, line 17, after "However," insert "**if the department has reason to believe that the child is a victim of child abuse**

or neglect,".

(Reference is to EHB 1165 as printed February 8, 2008.)

BECKER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1227

Senator Gard called up Engrossed House Bill 1227 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1017

Senator Lubbers called up Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1045

Senator Merritt called up Engrossed House Bill 1045 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1049

Senator Lubbers called up Engrossed House Bill 1049 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1051

Senator Lubbers called up Engrossed House Bill 1051 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 46, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1111

Senator Lawson called up Engrossed House Bill 1111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1137

Senator Landske called up Engrossed House Bill 1137 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1144

Senator Steele called up Engrossed House Bill 1144 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1171

Senator Charbonneau called up Engrossed House Bill 1171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 192: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1266

Senator Riegsecker called up Engrossed House Bill 1266 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senators Broden and Deig be added as cosponsors of Engrossed House Bill 1165.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1045.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators R. Young and Broden be added as cosponsors of Engrossed House Bill 1017.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as cosponsor of Engrossed House Bill 1096.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1275.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second sponsor of Engrossed House Bill 1271.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second sponsor of Engrossed House Bill 1114.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as cosponsor of Engrossed House Bill 1171.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 14, 2008.

LONG

Motion prevailed.

The Senate adjourned at 2:25 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate